

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CASE NO. 3:20CV104

UNITED STATES OF AMERICA

v.

APPROXIMATELY \$166,251.77 IN FUNDS
SEIZED FROM NAVY FEDERAL CREDIT
UNION ACCOUNT XXXXXX6745, SUCH
ACCOUNT HELD IN THE NAME OF JOHN
MULVEY.

ORDER FOR DEFAULT JUDGMENT

THIS MATTER is before the Court on the United States of America's Motion pursuant to Fed. R. Civ. P. 55(b)(2), requesting that the Court enter a Default Judgment in this case. (Doc. No. 18). For good cause shown, the Court hereby GRANTS the Motion and FINDS AS FOLLOWS:

BACKGROUND

On February 18, 2020, the Government filed a verified Complaint for Forfeiture *In Rem* (Doc. No. 1) against \$166,251.77 in funds seized from Navy Federal Credit Union Account XXXXXX6745 ("the Funds"). The Government contended that the Funds constituted proceeds of wire fraud, monetary transactions and money laundering conspiracy and was therefore subject to forfeiture.

Thereafter, the Government provided direct notice of the forfeiture. The Government submitted documentation of direct notice to individuals with potential claims to the Funds as shown on the Notice of Service (Direct Notice) dated and filed February 21, 2020 (Doc. No. 3). Specifically, the Government provided direct notice to John Mulvey, counsel for John Mulvey, Richard A. Rice, Jr., and Eileen Caviness.

Ultimately, only John Mulvey filed a Claim (Doc. No. 4). The parties resolved the Claim and with the Court's approval and Order (Doc. Nos. 14 and 15) agreed upon return of \$116,251.77 to Claimant and the final forfeiture of \$50,000 in this civil action.

Notice of forfeiture has been properly provided, no other claims remain pending, and the time for filing claims has expired. Accordingly, the Clerk of court has now issued an Entry of Default (Doc. No. 17) and the United States now requests Default Judgment.

LEGAL CONCLUSIONS

Other than John Mulvey, whose Claim has been settled in this action, no other person or entity has filed a claim or answer for the Funds within the time required by the Complaint, direct notice or the Supplement Rules for Admiralty or Maritime Claim and Asset Forfeiture Actions. Under such circumstances, Rule 55(b) provides for Default Judgment.

IT IS, THEREFORE, ORDERED that:

1. The Government's Motion for Default (Doc. No. 18) is hereby **GRANTED**; and
2. Any and all right, title, and interest of all persons in the world to the following property is hereby **FORFEITED** to the United States of America, no other right, title, or interest shall exist therein, and the United States is hereby directed to dispose of the forfeited property as provided by law: \$50,000 in Funds seized from John Mulvey.

Signed: May 19, 2020



Robert J. Conrad, Jr.
United States District Judge

